

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

JEFF NYE,

CIV. NO. 12-5028-JLV

Plaintiff,

vs.

THE HARTFORD ACCIDENT AND  
INDEMNITY COMPANY,

Defendant.

**JOINT MOTION TO MODIFY  
SCHEDULING ORDER**

Plaintiff Jeff Nye, though his attorneys Steven C. Beardsley and Brad J. Lee, and Defendant The Hartford Accident and Indemnity Company, through its attorneys Jason M. Smiley and F.J. Maloney, hereby submit this Joint Motion to Modify Scheduling Order.

On July 9, 2013, the Court entered an Order requesting that the parties submit new deadlines to accomplish an orderly administration of this case. The parties have come to an agreement on deadlines, as follows:

1. Defendant shall produce documents ordered disclosed pursuant to the compel order no later than December 2, 2013;
2. The identity of and reports from retained experts under Rule 26(a)(2) shall be due from Plaintiff by April 1, 2014, and from Defendant by June 2, 2014;
3. All discovery, including expert discovery, shall be commenced in time to be completed by September 2, 2014.
4. All motions, other than motions *in limine*, together with supporting briefs, shall be filed and served on or before October 1, 2014.

Respectfully submitted this 5th day of September, 2013.

BEARDSLEY, JENSEN & VON WALD,  
Prof. L.L.C.

By: /s/ *Brad J. Lee*

Steven C. Beardsley  
Brad J. Lee  
4200 Beach Drive, Suite 3  
P.O. Box 9579  
Rapid City, SD 57709  
Telephone: (605) 721-2800  
Facsimile: (605) 721-2801  
Email: [sbeards@blackhillslaw.com](mailto:sbeards@blackhillslaw.com)  
[blee@blackhillslaw.com](mailto:blee@blackhillslaw.com)  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of September, 2013, I sent to:

Mr. Francis J. Maloney III  
*Maloney Lauersdorf Reiner, PC*  
117 SW Taylor Street, Ste. 300  
Portland, OR 97204  
(503) 245-1529  
[fjm@coveragelit.com](mailto:fjm@coveragelit.com)

Mr. Jason M. Smiley  
*Gunderson, Palmer, Nelson & Ashmore*  
P.O. Box 8045  
Rapid City, SD 57709  
(605) 342-1078  
[jsmiley@gpnalaw.com](mailto:jsmiley@gpnalaw.com)

by electronic filing a true and correct copy of ***Joint Motion to Modify Scheduling Order*** relative to the above-entitled matter.

/s/ *Brad J. Lee*  
Brad J. Lee